

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:12-CV-770-BO

LARRY DENNELL MONK, II, and  
A.R.L.M., a minor,

Plaintiffs,

v.

STATE OF NORTH CAROLINA, HARNETT  
COUNTY CHILD SUPPORT ENFORCEMENT,  
TIFFANY MICHELLE MCNEILL, and  
JOHN DOES 1 TO 100,

Defendants.

**ORDER**

This matter is before the Court on the Memorandum and Recommendation (“M & R”) of United States Magistrate Judge James E. Gates [DE 2]. The Court ADOPTS the M & R and this action is DISMISSED.

**BACKGROUND**

This matter arises from the plaintiff’s allegations that the State of North Carolina and Tiffany Michelle McNeill maliciously interfered with the plaintiff’s rights to a relationship with his child and prevented him from receiving equal protection of the law in causing a restraining order to issue against him. The plaintiff’s complaint also contains other claims all arising from disputes over the custody and support of his minor child.

Magistrate Judge Gates recommended that the Court dismiss the plaintiff’s complaint for several reasons, including the need for the Court to abstain from hearing claims related to disputes over child custody under the *Rooker-Feldman* doctrine. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482-84 (1983). The plaintiff was notified of his right to

object to the M & R. The plaintiff did not file such an objection and the M & R is now before this Court for consideration.

#### DISCUSSION


The Court adopts the M & because the plaintiff has made no objections to it and because the M & R is not clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(B). A district court is only required to review an M & R *de novo* if the defendant specifically objects to it or in cases of plain error. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The magistrate has not committed plain error in this instance. Therefore, the Court adopts the Magistrate Judge's recommendations and dismisses this matter.

#### CONCLUSION

The Court ADOPTS the Magistrate Judge's recommendations [DE 2]. Therefore, this matter is DISMISSED.

SO ORDERED.

This the 25 day of April, 2013.

  
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TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE